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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,038	09/27/2000	Nicholas Paluzzi	07072-122001	5490

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DALY, CROWLEY & MOFFORD, LLP
SUITE 101
275 TURNPIKE STREET
CANTON, MA 02021-2310

EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1329

Office Action Summary

Application No.

09/671,038

Applicant(s)

PALUZZI, NICHOLAS

Examiner

Khanh Dang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's appeal brief appealing the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Any inconvenience it may cause is regretted.

A new ground of rejection is set forth below.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps set forth in claim 1 in the form of flow chart, for example, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lentz in view of Smith.

Lentz et al. discloses a bus arbitration method for granting access to a common bus having coupled thereto a plurality of candidates desiring access to such bus, one of such candidates being granted access to such bus in accordance with the a method comprising: granting access to the bus to one of the candidates in accordance with predetermined priority criteria (in Lentz et al., the priority criteria is based on the intrinsic priority of the candidates, see Fig. 7 and description thereof), such grant being modified (column 14, lines 60-61) when a plurality of such candidates request the bus, such grant to the bus then being such that the one of the candidates requesting the bus having the highest priority in the predetermined priority criteria not be granted the bus if such candidate was the recipient of the previous bus grant (in Lentz et al., such candidate is the one that has highest assigned priority based on the intrinsic priority criteria (see 7 and description thereof), and has access to the bus grant at default. Note also that the arbiter comprises a programmable logic array (PLA) and a storage element. It accepts requests from different candidates, decides which of the candidates should be granted the bus based on a software selectable dynamic or fixed priority criteria and issues the grant to the appropriate candidate (see column 14, lines 10-19). The storage element (column 14, lines 10-19) is provided to store which candidate was the last recipient of the bus so that either the dynamic or flexible priority as well as the fixed or "round robin" priority (most recent recipient will receive lowest priority) can be implemented.), and with each one of the requesting plurality of candidates having a

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predetermined independent "wait count limit" indicating that such requesting one of the plurality of candidates has waited for n assertions of a grant to the bus to other requesting candidates without being granted the address bus, where n is a predetermined integer, and wherein if one of such candidate's "wait count limit" is reached, such candidate receives the bus grant, except that if plural requesting candidates simultaneously reach their respective "wait count limit", then the bus grant will be granted in accordance with the predetermined priority criteria (Lentz et al., in another words, clearly states that the intrinsic priority of the various candidates or devices can be modified by a plurality of factors. The number of times a device is granted is also monitored so that if the device is a bus "hog", it can be denied priority to allow a lower priority candidate to gain. The number of times a lower priority candidate is denied service is monitored and when such number reaches a predetermined number, the lower priority device is given a higher priority. Each time a candidate is denied service, a counter is decremented. Once the counter reaches a predetermined count limit (zero, in the instant case) the priority of the device is increased with a priority level called "DENY PRIORITY." These counters can be loaded with any programmable value up to a maximum value of 15. Once the counter reaches zero, a "DENY PRIORITY" bit is set to allow the candidate to receive the bus. As a matter of course, when all candidates have same deny priority status, the one with higher intrinsic priority will receive the bus grant. See column 14, line 60 to column 15, line 15.

However, Lentz does not explicitly disclose granting default access to the bus to a predetermined one of the candidates. Applicant's argument concerning the meaning of the limitation: "granting default access to a predetermined one of the candidates" in page 3, under "(8) Arguments", first and second paragraphs, is noted in interpreting this limitation by the Examiner.

Smith discloses a method and mechanism for arbitrating access to a bus; wherein arbitration involves a bus master requesting access to the bus and a subsequent grant of access to the bus. Arbitration schemes may be either distributed or centralized. Once a bus master is granted control of the bus, it may begin its transaction. In order to reduce transaction overhead and improve system performance, Smith also teaches the use of bus parking. Bus parking involves allowing a particular bus master to have a default bus grant. This parked bus master may then initiate transactions without first arbitrating for bus access by issuing a bus request. See Smith, at least column 4, lines 14-19, for example.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lentz with the step of granting default access to the bus to a predetermined one of the candidates (bus parking), as taught by Smith, for the purpose of reducing overhead transaction and improving performance of the system of Lentz.

Response to Arguments

Applicant's arguments with respect to claim 1 have been fully considered but are moot in view of the new ground of rejection.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.

A handwritten signature in black ink, appearing to read "Khanh Dang", written in a cursive style.

Khanh Dang
Primary Examiner